

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DIONDRE WATKINS,

Plaintiff(s)

vs.

ADULT PAROLE AUTHORITY, et al,

Defendant(s)

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Case Number: 1:01cv471-SJD-JS

District Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Jack Sherman, Jr. filed on September 29, 2003(Doc. 5), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired October 17, 2003, hereby ADOPTS said Report and Recommendations.

IT IS ORDERED AND ADJUDGED that Petitioner's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 2) is hereby DISMISSED with prejudice as time-barred under 28 U.S.C. § 2244(d).

A certificate of appealability shall not issue because, for the foregoing reasons, petitioner has not made a substantial showing of the denial of a constitutional right that is remediable in this proceeding. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that with respect to any application by petitioner to proceed on appeal *in forma pauperis*, an appeal of this Order would not be taken in "good faith," and therefore DENIES petitioner leave to appeal *in forma pauperis*. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

\_\_\_\_s/Susan J. Dlott\_\_\_\_\_  
Susan J. Dlott  
United States District Judge